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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,650	01/14/2004	Dipanshu Sharma	15525-007001/220407-2006	1660

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12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

EXAMINER

KNEPPER, DAVID D

ART UNIT PAPER NUMBER

2654

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/761,650	SHARMA ET AL.	
	Examiner	Art Unit	
	David D. Knepper	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's correspondence filed on 12 May 2004 (Declaration & Drawings) has been received and considered. Claims 1-45 are pending.

Drawings

2. The drawings are objected to because the arrow denoting information flow from box 638 to box 650 contradicts the specification which indicates that information should flow from 638 and from 650 to box 624 (figure 6). The PROCESS NODE box in figure 7A is not labeled for reference from the specification and the lack of arrows make the data flow from OUTPUT CONVERTED VOICE XML (which lacks a label) ambiguous. Arrows are also missing to/from box 744 and 746. Five elements in figure 9 are not labeled. The boxes in figures 12-14 are not labeled. The boxes of figures 12-14 appear to be represent trivial scrolling ability displaying information according to a WML (Wireless Markup Language) standard according to the program language in the specification. Anything more specific should have been discussed in the specification.

Correction is required.

Priority Claims

3. The applicant(s) should check their filing receipts and/or the Patent Application Information Retrieval (PAIR) system for the acknowledgment of their **domestic** priority or benefit claims (if any) under 35 USC 119(e), 120 or 121 (37 CFR 1.78).

Specification

4. The disclosure is objected to because of the following informalities: Pages 99-112 are improperly labeled as Appendices A-D. These pages contain computer program code which must be presented as required under 37 CFR 1.96.

The description portion of this application contains a computer program listing consisting of more than three hundred (300) lines. In accordance with 37 CFR 1.96(c), a computer program listing of more than three hundred lines must be submitted as a computer program listing appendix on compact disc conforming to the standards set forth in 37 CFR 1.96(c)(2) and must be appropriately referenced in the specification (see 37 CFR 1.77(b)(4)). Accordingly, applicant is required to cancel the computer program listing appearing in the specification on pages 99-112, file a computer program listing appendix on compact disc in compliance with 37 CFR 1.96(c) and insert an appropriate reference to the newly added computer program listing appendix on compact disc at the beginning of the specification.

Appropriate correction is required.

Claims

5. Claims 35-41 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A "document" as claimed could be interpreted as paper or other visual representation with information drawn or written upon it. The desired functionality is not implemented with a document as claimed but with a computer able to interpret the document as part of a method or apparatus for performing a method.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-45 are rejected under 35 U.S.C. § 103 as being unpatentable over Chung (6,115,686) in view of Gergic (US 2002/0198719 A1).

As per claims 1, 18, 19 “receiving a document in a structured language which includes tags” is taught with the document files 23 and tag converter 25 of Chung in figure 2;

“using said tags to provide a speech mark-up language” (suggested by his HTML parser 24 and HTS control parser 22, figure 2, which work together for HTML to Speech (HTS) conversion because his figures 3-4 show that it is known to include audio tags in HTML such that HTML can be used to control speech or other audio output functions); and

“using said tags...to provide a visual mark-up language version” (this is inherent in basic HTML programming code as shown in column 2 and further explained in column 3).

It is noted that Chung does not explicitly teach a “speech mark-up language version”. However, Chung teaches that it is obvious to parse known mark-up languages such as HTML into speech using a standard computer and browser. Gergic teaches that it is well known to provide any combination of modalities to offer universal access to information anytime, from any location, using any pervasive computing device regardless of its I/O modality to include VoiceXML, visual (GUI) such as HTML (hypertext markup language, restrained GUI such as

WML (wireless markup language), CHTML (compact HTML), XHTML-MP (XHTML Mobile profile), and HDML (hand-held device markup language) on page 3, paragraphs 35-38. It would have been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made, to apply the parsing techniques of Chung to other markup languages of Gergic because Chung teaches that parsing may be applied to markup language tags (column 3). The combined teachings will enable a wider variety of input/output modalities depending on what device is employed to connect to the Internet.

Claims 2, 24: Playing speech corresponding to said speech mark-up language version or dividing the source documents into parts is taught by parsing whatever markup language version is being used (see claim 1 above). Chung makes no distinction between HTML versions. Therefore, it is obvious to parse any tags and representative information found.

Claims 3, 9, 23, 43, 44, 45: Switching is taught with Gergic's use of select a menu item, page 3, paragraph 43 as well as the use of a variety of reusable components which allow a wide variety of selection within existing web infrastructures (multi-channel, multi-modal and conversational applications). This teaches using any combination of visual, text, and audio modalities desired.

Claim 4-7: This is taught by the use of multi-channel and multi-modality implementations taught by Gergic above.

Claim 8: The application to a document which relates to "e-mails" is obvious in view of Chung who is able to handle documents with text, which is the primary content of email.

Claims 10, 11, 13, 14: Determining a need or capability is defined in tags for various markup languages and Gergic explains a wide variety of implementations on a server or local side applications on pages 20-21.

Claims 12, 32-34, 42: Handheld telephone is taught with the WML, CHTML, XHTML and/or the HDML noted above.

Claim 14, 17: Hand held, mobile, wireless devices would encompass pagers which include short message system capabilities.

Claim 20: There is no limit on how many times a desired page or other information may be viewed in any of the prior art.

Claim 21: Gergic teaches that it is know to all multiple channels to be simultaneously available and synchronized and that it is obvious to provide various tags to include menu items wherein the menu list must be provided (page 3). See also the use of <subdialog> elements, scripts, objects, etc. that require tags to define (page 4).

Claims 25-31: See claim 1 above. The use of an information storage unit is taught by one or more of Chung's tag mapping table 41, parameter set table 42 and audio data table 43, figure 2.

Claims 35-41 are obvious in view of the document formats noted in claim 1 above.

Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Papierniak (6,418,439) is cited to show that it is well known to provide multiple modes for a user to view and/or experience Internet based information.

MacKenty (6,088,675) is cited to show that is well known to parse markup languages for conversion into speech.

Bouguet (US 20020178344A1) is cited to show that it is well known to allow a user to select a variety of input/output events and the way they may be interpreted/displayed.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

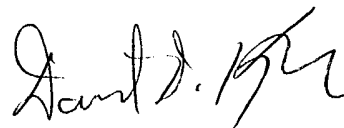
TC2600 Fax Center
(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (703) 305-9644. The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645.

Any inquiry of a general nature or relating to the status of this application should be directed to customer service whose telephone number is (703) 306-0377.



David D. Knepper
Primary Examiner

Art Unit 2654

September 15, 2004